

National Park Service, Interior

§ 34.2

feet from the nearest right-of-way line of a road or street. However, a lesser area than 5 acres may be utilized for such purposes if the property in question was in separate ownership on February 7, 1963.

(d) Any use not included above as a permitted use shall be deemed a prohibited use. Moreover, all land within the boundaries of the Whiskeytown Unit, except certain "improved property" as defined herein, will be acquired by the United States as rapidly as appropriated funds are made available therefor and before any development occurs thereon. Any property that is developed before such acquisition takes place will be subject to acquisition by the Secretary without consent of the owner.

§ 30.5 Variances, exceptions, and use permits.

(a) Zoning ordinances or amendments thereto, for the zoning districts comprising the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area may provide for the granting of variances and exceptions.

(b) Zoning ordinances or amendments thereto for each of the districts established by the regulations in this part shall contain provisions advising applicants for variances and exceptions that, under section 2(f) of the Act of November 8, 1965, the authority of the Secretary to acquire "improved property" without the owner's consent would be reinstated (1) if such property is made the subject of a variance or exception to any applicable zoning ordinance that does not conform to any applicable standard contained in the regulations in this part; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance approved by the Secretary.

(c) The Shasta County Planning Commission, or private owners of "improved property" may consult the Secretary as to whether the grant of any proposed variance or exception would terminate the suspension of his authority to acquire the affected property without consent of the owner, and may request the approval of a variance or exception by the Secretary: *Provided*, The Secretary is notified in writing at least 30 days in advance of the hearing

on the application for the variance or exception. The Secretary within 30 days after the receipt of a request for approval of a variance or exception, shall advise the owner or the Commission whether or not the intended use will subject the property to acquisition by condemnation. If more than 30 days is required by the Secretary for such determination, he shall so notify the owner or Commission, stating the additional time required and the reasons therefor.

(d) The Secretary shall be given written notice of any variance granted under, or exception made to the application of, a zoning ordinance or amendment thereof approved by him. The Secretary shall be provided a copy of every use permit granted by the Shasta County Planning Commission authorizing any use or development of lands within the boundaries of the Whiskeytown Unit of the recreation area.

PART 34—EL PORTAL ADMINISTRATIVE SITE REGULATIONS

Sec.

- 34.1 Purpose.
- 34.2 Applicability and scope.
- 34.3 Penalties.
- 34.4 Definitions.
- 34.5 Applicable regulations.
- 34.6 Fires.
- 34.7 Cultivation of controlled substances.
- 34.8 Preservation of natural, cultural and archeological resources.
- 34.9 Protective custody.
- 34.10 Saddle and pack animals.
- 34.11 Boating operations.
- 34.12 Information collection.

AUTHORITY: 16 U.S.C. 1, 3, 47-1, 4601-6a(e).

SOURCE: 51 FR 29103, Aug. 14, 1986, unless otherwise noted.

§ 34.1 Purpose.

These regulations provide for the protection of persons, property and natural and cultural resources within the El Portal Administrative Site.

§ 34.2 Applicability and scope.

(a) The regulations in this part apply to all persons entering, using, visiting, residing on or otherwise within the boundaries of the El Portal Administrative Site. All regulations apply

§ 34.3

throughout the site, with certain specific exceptions provided for leased lands.

(b) The regulations in this part may be enforced only by persons authorized to enforce the other provisions of this chapter.

§ 34.3 Penalties.

(a) A person convicted of violating a provision of the regulations contained in this part shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(b) Notwithstanding the provision of paragraph (a) of this section, a person convicted of violating § 34.5(b)(15) of this chapter shall be punished by a fine of not more than \$100.

§ 34.4 Definitions.

When used in regulations in this part:

Administrative site means all of the federally owned or controlled lands and waters administered by the National Park Service pursuant to 16 U.S.C. 47-1 (72 Stat. 1772), in the vicinity of El Portal, California.

Leased lands means all lands within the administrative site in which there is a lawful possessory interest in addition to that of the National Park Service, which have been leased, permitted or otherwise assigned by the Superintendent. All other lands within the administrative site are nonleased lands.

§ 34.5 Applicable regulations.

The following sections and paragraphs of this chapter, as amended from time to time, apply to the administrative site and are hereby incorporated and made a part of this part except as modified by the regulations in this part:

(a) *General provisions.* (1) 1.2(d) Applicability and scope; exception for administrative activities.

(2) 1.4 Definitions.

(3) 1.5 Closures and public use limits.

(4) 1.6 Permits.

(5) 1.7 Public notice.

(b) *Resource Protection, Public Use and Recreation.* (1) 2.1 Preservation of nat-

36 CFR Ch. I (7-1-09 Edition)

ural, cultural and archeological resources.

(2) 2.2 Wildlife protection.

(3) 2.3 (a), (c) and (f) Fishing.

(4) 2.4 Weapons, traps and nets.

(5) 2.5 Research specimens.

(6) 2.10 Camping and food storage.

(7) 2.11 Picnicking.

(8) 2.12 Audio disturbances.

(9) 2.13 Fires.

(10) 2.14 Sanitation.

(11) 2.15 (a) (1), (3), (4) and (5); (c); (d); (e) and (f) Pets.

(12) 2.17 Aircraft and air delivery.

(13) 2.21 Smoking.

(14) 2.22 Property.

(15) 2.23 Recreation fees.

(16) 2.30 Misappropriation of property and services.

(17) 2.31 Trespassing, tampering and vandalism.

(18) 2.32 Interfering with agency function.

(19) 2.33 Report of injury or damage.

(20) 2.34 Disorderly conduct.

(21) 2.35 Alcoholic beverages and controlled substances.

(22) 2.36 (a) Gambling.

(23) 2.37 Noncommercial soliciting.

(24) 2.38 Explosives.

(25) 2.50 Special events.

(26) 2.51 Public assemblies, meetings.

(27) 2.52 Sale or distribution of printed matter.

(28) 2.61 Residing on Federal lands.

(29) 2.62 Memorialization.

(c) *Boating and Water Use Activities.*

(1) 3.1 Applicable regulations.

(2) 3.3 Permits.

(3) 3.4 Accidents.

(4) 3.5 Inspections.

(5) 3.6 (a) and (b) Prohibited operations.

(6) 3.21 (a) (1), (2) and (b) Swimming and bathing.

(d) *Vehicles and traffic safety.* (1) 4.2 State law applicable.

(2) 4.4 Report of motor vehicle accident.

(3) 4.10(a), (c)(1) and (c)(2) Travel on park roads and designated routes.

(4) 4.11 Load, weight and size limits.

(5) 4.12 Traffic control devices.

(6) 4.14 Open container of alcoholic beverage.

(7) 4.21 Speed limits.

(8) 4.22 Unsafe operation.

(9) 4.23 Operating under the influence of alcohol or drugs.